

# Exhibit 186

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.*

Civil Action No. 07-10248-PBS

Exhibit to the September 22, 2009, Supplemental Declaration of James J. Fauci  
In Support of Plaintiff's Motion for Partial Summary Judgment and  
In Opposition to the Roxane Defendants' Motion For Partial Summary Judgment

SUPERIOR COURT  
DOCKET NO. X07 CV-03-0083296-S (CLD)

STATE OF CONNECTICUT,                    )  
  )  
                  Plaintiff,                )  
  ) COMPLEX LITIGATION  
          vs.                                )  
  ) DOCKET at TOLLAND  
DEY, INC., ROXANE                        )  
LABORATORIES, INC., WARRICK            )  
PHARMACEUTICALS CORP.,                 )  
SCHERING-PLOUGH CORP. and               )  
SCHERING CORPORATION,                    )  
  )  
                  Defendants.                )  
-----)

ROBERT CHRISTOPHER SYKORA

Deposition of ROBERT CHRISTOPHER SYKORA,  
taken on behalf of the Plaintiff, at the Hampton  
Inn, 1135 Lakes Parkway, Lawrenceville, Georgia,  
commencing on November 2, 2005, at 9:17 a.m., before  
Joyce E. Harrison, Certified Court Reporter and  
Registered Professional Reporter.

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<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 For the Plaintiff:</p> <p>4 JEFFREY S. GOLDENBERG</p> <p>5 Attorney at Law</p> <p>6 Murdock Goldenberg Schneider &amp; Groh, LPA</p> <p>7 Suite 600</p> <p>8 35 East Seventh Street</p> <p>9 Cincinnati, Ohio 45202</p> <p>10 513/345-8291</p> <p>11 513/345-8294 (fax)</p> <p>12</p> <p>13 For the Defendant Dey, Inc.:</p> <p>14 (No appearance)</p> <p>15</p> <p>16</p> <p>17 For the Defendant Roxane Laboratories, Inc.:</p> <p>18 PAUL J. COVAL</p> <p>19 Attorney at Law</p> <p>20 Vorys, Sater, Seymour and Pease, LLP</p> <p>21 52 East Gay Street</p> <p>22 Columbus, Ohio 43215</p> <p>23 614/464-6400</p> <p>24 614/464-6350 (fax)</p> <p>25 BRIAN P. KAVANAUGH</p> <p>Attorney at Law</p> <p>Kirkland &amp; Ellis, LLP</p> <p>200 East Randolph Drive</p> <p>Chicago, Illinois 60601</p> <p>312/861-2000</p> <p>312/861-2200 (fax)</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX</p> <p>2</p> <p>3 EXAMINATION OF ROBERT CHRISTOPHER SYKORA PAGE</p> <p>4 By Mr. Goldenberg 7</p> <p>5</p> <p>6</p> <p>7</p> <p>8 PLAINTIFF'S INITIAL</p> <p>9 EXHIBITS DESCRIPTION REFERENCE</p> <p>10 1 E-mail from Colin Carr-Hall 57</p> <p>11 to various people, 11/30/00,</p> <p>12 with attachments</p> <p>13 2 E-mail from John Powers 73</p> <p>14 to Judy Waterer, 4/18/00,</p> <p>15 with attachments</p> <p>16 3 E-mail from Judy Waterer 101</p> <p>17 to Lesli Paoletti, 7/26/00,</p> <p>18 with attachments</p> <p>19 4 E-mail from Lesli Paoletti 125</p> <p>20 to various people, 8/10/00,</p> <p>21 with attachments</p> <p>22 5 E-mail from Aleisha Myer 134</p> <p>23 to various people, 8/15/00,</p> <p>24 with attachments</p> <p>25 6 E-mail from Judy Waterer 138</p> <p>to Robert Sykora, 8/26/99,</p> <p>with attachments</p> <p>7 Memo from Michelle Summers 147</p> <p>to various people, 3/23/00,</p> <p>with attachments</p> <p>8 Memo from Steve Snyder to 155</p> <p>Robert Sykora, 1/10/98</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES</p> <p>2 (Continued)</p> <p>3 For the Defendants Warrick Pharmaceuticals, Inc. and</p> <p>4 Schering-Plough Corp. and Schering Corporation:</p> <p>5 KIM B. NEMIROW (via telephone)</p> <p>6 Attorney at Law</p> <p>7 Ropes &amp; Gray, LLP</p> <p>8 One International Place</p> <p>9 Boston, Massachusetts 02110</p> <p>10 617/951-7000</p> <p>11 617/951-7050 (fax)</p> <p>12</p> <p>13 For Smithkline Beecham Corp.:</p> <p>14 JOSEPH R. HEFFERN (via telephone)</p> <p>15 Attorney at Law</p> <p>16 Dechert, LLP</p> <p>17 Cira Centre</p> <p>18 2929 Arch Street</p> <p>19 Philadelphia, Pennsylvania 19103</p> <p>20 215/994-4000</p> <p>21 215/994-2222 (fax)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 INDEX</p> <p>2 (Continued)</p> <p>3 PLAINTIFF'S INITIAL</p> <p>4 EXHIBITS DESCRIPTION REFERENCE</p> <p>5 9 Memo from Judy Waterer to 159</p> <p>6 Feldman, Sykora and Powers,</p> <p>7 9/8/00</p> <p>8 10 Memo from Robert Sykora to 165</p> <p>9 Kim Storck, 4/13/00</p> <p>10</p> <p>11 Distribution workshop 166</p> <p>12</p> <p>13</p> <p>14 * * *</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">Page 82</p> <p>1 correct?</p> <p>2 MR. COVAL: Objection to form.</p> <p>3 A. I don't know.</p> <p>4 Q. Well, when you say this is certainly a</p> <p>5 hinderance to retail customers wanting to use our</p> <p>6 product, you're referring to Roxane's AWP at that</p> <p>7 time; correct?</p> <p>8 MR. COVAL: Objection, form.</p> <p>9 A. I don't know.</p> <p>10 Q. You just have no -- you read this e-mail</p> <p>11 and you have no idea what you're referring to?</p> <p>12 A. I don't even remember this e-mail.</p> <p>13 Q. Right. But when you read the entire</p> <p>14 e-mail, you can't tell what you're referring to here</p> <p>15 you're saying? Even though the subject line is</p> <p>16 furosemide AWP?</p> <p>17 A. I can suppose --</p> <p>18 Q. Okay. What do you suppose?</p> <p>19 MR. COVAL: Objection, form.</p> <p>20 A. I can't -- I can't suppose. I mean I can</p> <p>21 tell you what I definitively or I don't definitively</p> <p>22 think. I think it would be erroneous for me to</p> <p>23 suppose.</p> <p>24 Q. This e-mail correctly contains the</p> <p>25 information that you typed into it; correct? There's</p>	<p style="text-align: right;">Page 84</p> <p>1 understanding of why that would be touchy at this</p> <p>2 point?</p> <p>3 MR. COVAL: Objection, form.</p> <p>4 A. If I recall correctly, Mylan at that time</p> <p>5 locked up raw material supplies on certain products</p> <p>6 and raised their prices to all classes of trade</p> <p>7 customers and as a result -- basically creating a</p> <p>8 monopoly, and as a result, they get in trouble with</p> <p>9 the Federal Trade Commission.</p> <p>10 Q. And one of those products was furosemide</p> <p>11 that they attempted to lock up --</p> <p>12 A. The only one I remember was lorazepam. I</p> <p>13 do not believe that furosemide was one of those</p> <p>14 products, but I do not know furosemide.</p> <p>15 Q. And do you recall whether Roxane raised</p> <p>16 the AWP's for its furosemide products in response to</p> <p>17 these series of e-mail communications?</p> <p>18 A. I do not recall.</p> <p>19 Q. If you would, switch to the next page,</p> <p>20 which is Bates number 49704. Do you see that, Bob?</p> <p>21 A. I do.</p> <p>22 Q. Now, that's an e-mail from Tom to Judy</p> <p>23 Waterer. And, again, you're cc'd on this particular</p> <p>24 e-mail; correct?</p> <p>25 A. Correct.</p>
<p style="text-align: right;">Page 83</p> <p>1 no reason -- let me ask another -- there's no reason</p> <p>2 for me to doubt the content of this e-mail?</p> <p>3 A. I don't remember e-mails. I can't verify</p> <p>4 the authenticity, veracity or anything else of this</p> <p>5 e-mail.</p> <p>6 Q. Right above that is an e-mail you'll see</p> <p>7 from Judy Waterer to you dated Monday, April 17th,</p> <p>8 2000 at 10:42 a.m. Do you see that?</p> <p>9 A. I do.</p> <p>10 Q. And it says, we'll look into this</p> <p>11 immediately, Bob. As we discussed last week, a</p> <p>12 significant price increase may be a bit touchy right</p> <p>13 now, especially since it's furosemide. And then in</p> <p>14 parentheses, Mylan problems, and then there's close</p> <p>15 parentheses. And since AWP is what the compendia</p> <p>16 report with the most accuracy. We'll pull together</p> <p>17 the documentation, and put a recommendation forward.</p> <p>18 Let you know how we do.</p> <p>19 Thanks for bringing this to light.</p> <p>20 Did I read that correctly?</p> <p>21 A. You did.</p> <p>22 Q. Okay. What is your understanding of why a</p> <p>23 significant price increase may be a bit touchy right</p> <p>24 now, especially since it's furosemide, and then in</p> <p>25 parentheses Judy wrote Mylan problems, what's your</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. It's dated May 2nd, 2000; is that right?</p> <p>2 A. Correct.</p> <p>3 Q. Tom goes on to say, is there any way we</p> <p>4 can revisit our AWP on furosemide? I've been trying</p> <p>5 to gain awards with PACE and D&amp;K for the product but</p> <p>6 our AWP is so much lower than the competition, I have</p> <p>7 been unable to get the product awarded. Any relief</p> <p>8 you could offer would be appreciated.</p> <p>9 Did I read that correctly?</p> <p>10 A. You did.</p> <p>11 Q. Now, Tom Via was one of your national</p> <p>12 account managers; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And is it your understanding that Tom</p> <p>15 called on PACE, a company called PACE, P-A-C-E?</p> <p>16 A. I don't recall.</p> <p>17 Q. How about a company called D&amp;K?</p> <p>18 A. I don't recall.</p> <p>19 Q. Do you recall what D&amp;K stands for?</p> <p>20 A. I think it just stands for D&amp;K. I'm</p> <p>21 familiar with these customers. I don't recall</p> <p>22 whether Tom Via had these particular customers in his</p> <p>23 account list.</p> <p>24 Q. Okay. These were customers that national</p> <p>25 account representatives were calling on during this</p>